

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 9, 2010

The Southeast Cass Water Resource District met on July 9, 2010, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Thomas L. Fischer, Chairman; Mark Thelen, Manager; Mark Brodshaug, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Lee Beauvais, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Mark Bittner, Fargo City Engineer; April Walker, Senior Engineer for the City of Fargo; Tom Moores, City of West Fargo; Craig Hakanson, City of Horace; Roger Haberman, St. Benedict Church; Dennis Nipstad, property owner in Normanna Township and Richard Lewis, West Fargo resident.

Minutes

It was moved by Manager Brodshaug and seconded by Manager Thelen to approve the minutes of the June 25, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Approval of agenda order

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

St. Benedict Ring Dike

Sean Fredricks reviewed the draft Project Cooperation Agreement between St. Benedict's Church of Wild Rice and Southeast Cass Water Resource District. The Board discussed easements on land needed for the project. Roger Haberman will review the agreement with the Catholic Diocese and let the Board know how they wish to proceed.

Drain #53 Drainage and Flood Control Improvements

Lee Beauvais gave an update on Drain #53 Drainage and Flood Control Improvements. The bid date is set for July 28, 2010.

Drain #27 Drainage and Flood Control Improvements

The contractor will start construction on Drain #27 Drainage and Flood Control Improvements in two weeks.

Letter from Moore Engineering, Inc. soliciting views and comments on the 64th Avenue South Improvements Project

It was moved by Manager Thelen and seconded by Manager Brodshaug to direct the Secretary-Treasurer to send an email to Moore Engineering, Inc. stating the Board has no comment on the 64th Avenue South Improvements Project at this time, as long as outside drainage is addressed. Upon roll call vote, the motion carried unanimously.

Encroachment Agreement with Fargo Rentall to expand the parking lot over a Drain #3 easement area

An Encroachment Agreement will be forwarded to Lightowler Johnson Associates in regard to the request from Fargo Rentall to expand the parking lot over a Drain #3 easement area.

Dike complaints from Dennis Nipstad against Kelly Perhus and Mark Ottis in the NE 1/4 and the NW 1/4 of Section 34 in Normanna Township

It was moved by Manager Thelen and seconded by Manager Fischer to certify agreement with the Water Resource District Attorney that Manager Brodshaug does not have a conflict in the dike complaints from Dennis Nipstad against Kelly Perhus and Mark Ottis in the NE 1/4 and the NW 1/4 of Section 34 in Normanna Township. Upon roll call vote, the following Managers voted in favor: Fischer and Thelen. Manager Brodshaug abstained from voting. Chairman Fischer declared the motion passed.

Chad Engels reviewed his findings with regard to the dike complaints. He confirmed that a dike was constructed and is capable of retaining, obstructing or diverting 12.5 acre-feet of water, which was the standard in place at the time the dike was constructed. The standard was increased to 50 acre-feet of water in 2003. Mr. Engels said the dike is also capable of retaining, obstructing or diverting 50 acre-feet of water. The Southeast Cass Water Resource District and the Office of the State Engineer have no record of a permit for the dike; therefore, Mr. Engels concluded an illegal dike exists in Section 34 of Normanna Township. He recommended the Board order the illegal dike removed. He offered that a possible solution may be to attempt to acquire a permit for the dike. If the option is pursued, he recommended the dike be lowered to elevation 942.00 (1988 Datum) so that the dike system does not cause adverse impacts to adjacent landowners.

It was moved by Manager Thelen and seconded by Manager Brodshaug to send a letter to Kelly Perhus and Mark Ottis ordering removal of the dike in the NE 1/4 and the NW 1/4 of Section 34 in Normanna Township before 5:00 p.m. on August 8, 2010, and that the letter set out their right to request a hearing, to appeal the Board's decision to Cass County District Court and to appeal the Board's decision to the North Dakota State Engineer. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects - recommendation on exterior pump station / canal gates

Mr. Engels reviewed information regarding the proposed exterior pump station / canal gates on the Sheyenne-Maple Flood Control Projects. He will meet with Tom Beaton and William Lisburg to discuss the matter.

Jacob Gust said Mr. Beaton informed him about a bent pin on one of the flap gates. Mr. Gust recommended repairing the pin.

Mr. Engels presented information on the daily discharge on the Sheyenne River Diversion at West Fargo, along with the effect of additional releases from Devils Lake. Changes to gate operation and the installation of an adjustable weir would provide options for running more water through the City of West Fargo, if needed.

Drain #21 - box culvert at 12th Avenue North

It was moved by Manager Thelen and seconded by Manager Brodshaug to hire Industrial Builders, Inc. to repair the box culvert on Drain #21 at 12th Avenue North. Upon roll call vote, the motion carried unanimously.

Drain #21 - tree at the Sheyenne River

Industrial Builders, Inc. will remove the tree in the Sheyenne River at Drain #21.

Oxbow Flood Control Project – Joint Powers Agreement

Manager Thelen gave the Joint Powers Agreement to the City of Oxbow for the Flood Control Project. They will consider the agreement and get back to the Board.

Drain #3 – removal of tree infected with Dutch Elm Disease

Notification was received about removing a tree infected with Dutch Elm Disease from Drain #3. The Secretary-Treasurer will contact the Fargo City Forester to take care of the matter as it is on a legal drain within city limits.

Notification from West Fargo Planning of a rezoning request in Hayden Heights Second Addition

The Board directed the Secretary-Treasurer to respond to West Fargo Planning and suggest the alignment of the proposed Red River Diversion be taken into consideration with regard to the rezoning request in Hayden Heights Second Addition.

Pledges of Assets

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the following Pledges of Assets:

Alerus Financial	(as per agreement of March 7, 1996)
Bank of the West	\$1,300,000.00

Upon roll call vote, the motion carried unanimously.

Natural Resources Conservation Service ring dike program

Ring dikes constructed through the Natural Resources Conservation Service ring dike program will be submitted to the State Water Commission for funding on the local share.

Response letter to the Environmental Protection Agency on the draft National Pollutant Discharge Elimination System permit

It was moved by Manager Thelen and seconded by Manager Brodshaug to authorize the Secretary-Treasurer to send a response letter to the Environmental Protection Agency on the draft National Pollutant Discharge Elimination System permit. Upon roll call vote, the motion carried unanimously.

Cattail, noxious weed and tree spraying

The Board directed the Secretary-Treasurer to work with Stan Wolf, Cass County Weed Control, to coordinate spraying cattails, noxious weeds and trees on Southeast Cass Water Resource District facilities.

Drain #65 assessment issue

A portion of the 2008 assessment for Harwood Township Improvement District No. 65 in the amount of \$815.76 was erroneously billed to parcel #44-0000-00550-030 rather than to #44-0000-00550-040. Payment was not received by July 1, 2010, so the amount due will be attached to the 2010 Cass County property tax statement for parcel #44-0000-00550-040.

Bills

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve payments of Check #9516 through #9523, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Thelen and Brodshaug. The Chairman declared the motion carried.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Thelen, seconded by Manager Brodshaug and unanimously carried to adjourn the meeting.

APPROVED:

Thomas L. Fischer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer